

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON – SEATTLE DIVISION

DANIEL J. SOGN,

Plaintiff,

v.

ALASKA USA FEDERAL CREDIT UNION  
and CAREFUL ASSET RECOVERY  
SERVICE, INCORPORATED,

Defendants.

NO. 2:17-CV-0432 RSL

DEFENDANT ALASKA USA FEDERAL  
CREDIT UNION’S ANSWER AND  
AFFIRMATIVE DEFENSES

Defendant Alaska USA Federal Credit Union (“Alaska USA”) answers Plaintiff’s Complaint for (1) violations of the fair debt collection practices act, (2) violations of the uniform commercial code, (3) violations of the Washington consumer protection act, (4) breach of contract as follows:

1. Defendant Alaska USA admits, on or about July 23, 2013, Defendant Alaska USA and Plaintiff entered into a loan agreement for the purchase of a vehicle. Defendant Alaska USA admits, at that time, Defendant Alaska USA took a security interest in said vehicle. Defendant Alaska

DEFENDANT ALASKA USA FEDERAL CREDIT  
UNION’S ANSWER AND AFFIRMATIVE  
DEFENSES [2:16-CV-0432 RSL] - 1

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1 USA further admits Plaintiff fell behind on his loan payments. Except as specifically admitted,  
2 Defendant Alaska USA lacks knowledge or information sufficient to form a belief as to the truth or  
3 falsity of the allegations, and therefore denies the same.

4 2. In answer to paragraph 2 to Plaintiff's Complaint, Defendant Alaska USA specifically  
5 denies that it hired Careful Asset Recovery Service, Inc. to repossess Plaintiff's vehicle. In response  
6 to the remaining allegations, Defendant Alaska USA lacks knowledge or information sufficient to  
7 form belief as to the truth or falsity of the allegations, and therefore, denies the same.

8 3. In answer to paragraph 3 to Plaintiff's Complaint, Defendant Alaska USA lacks  
9 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
10 therefore, denies the same.

11 4. In answer to paragraph 4 to Plaintiff's Complaint, Defendant Alaska USA lacks  
12 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
13 therefore, denies the same.

14 5. In answer to paragraph 5 to Plaintiff's Complaint, Defendant Alaska USA lacks  
15 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
16 therefore, denies the same.

17 6. In answer to paragraph 6 to Plaintiff's Complaint, Defendant Alaska USA lacks  
18 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
19 therefore, denies the same.

20 7. In answer to paragraph 7 to Plaintiff's Complaint, Defendant Alaska USA lacks  
21 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
22 therefore, denies the same.

DEFENDANT ALASKA USA FEDERAL CREDIT  
UNION'S ANSWER AND AFFIRMATIVE  
DEFENSES [2:16-CV-0432 RSL] - 2

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1           8.       In answer to paragraph 8 to Plaintiff's Complaint, Defendant Alaska USA lacks  
2 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
3 therefore, denies the same.

4           9.       In answer to paragraph 9 to Plaintiff's Complaint, Defendant Alaska USA lacks  
5 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
6 therefore, denies the same.

7           10.      In answer to paragraph 10 to Plaintiff's Complaint, Defendant Alaska USA lacks  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
9 therefore, denies the same.

10          11.      In answer to paragraph 11 of Plaintiff's Complaint, Defendant Alaska USA lacks  
11 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
12 therefore, denies the same.

13          12.      In answer to paragraph 12 to Plaintiff's Complaint, Defendant Alaska USA lacks  
14 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
15 therefore, denies the same.

16          13.      In answer to paragraph 13 to Plaintiff's Complaint, Defendant Alaska USA admits it  
17 is a federal credit union with its headquarters in Anchorage, Alaska and does business in King County,  
18 Washington.

19          14.      In answer to paragraph 14 to Plaintiff's Complaint, Defendant Alaska USA denies  
20 each and every allegation.

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DEFENDANT ALASKA USA FEDERAL CREDIT  
UNION'S ANSWER AND AFFIRMATIVE  
DEFENSES [2:16-CV-0432 RSL] - 3

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1           15.     In answer to paragraph 15 to Plaintiff's Complaint, Defendant Alaska USA restates  
2 its answers to all preceding paragraphs and incorporates them by reference as though fully set forth  
3 herein.

4           16.     In answer to paragraph 16 to Plaintiff's Complaint, Defendant Alaska USA lacks  
5 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
6 therefore, denies the same.

7           17.     In answer to paragraph 17 to Plaintiff's Complaint, Defendant Alaska USA lacks  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
9 therefore, denies the same.

10          18.     In answer to paragraph 18 to Plaintiff's Complaint, Defendant Alaska USA lacks  
11 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
12 therefore, denies the same.

13          19.     In answer to paragraph 19 to Plaintiff's Complaint, Defendant Alaska USA lacks  
14 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
15 therefore, denies the same.

16          20.     In answer to paragraph 20 to Plaintiff's Complaint, Defendant Alaska USA lacks  
17 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
18 therefore, denies the same.

19          21.     In answer to paragraph 21 to Plaintiff's Complaint, Defendant Alaska USA lacks  
20 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
21 therefore, denies the same.

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DEFENDANT ALASKA USA FEDERAL CREDIT  
UNION'S ANSWER AND AFFIRMATIVE  
DEFENSES [2:16-CV-0432 RSL] - 4

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1           22.     In answer to paragraph 22 to Plaintiff's Complaint, Defendant Alaska USA restates  
2 its answers to all preceding paragraphs and incorporates them by reference as though fully set forth  
3 herein.

4           23.     In answer to paragraph 23 to Plaintiff's Complaint, Defendant Alaska USA denies  
5 that it failed to comply with RCW 62A.9A-609(b)(2).

6           24.     In answer to paragraph 24 to Plaintiff's Complaint, Defendant Alaska USA lacks  
7 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
8 therefore denies the same.

9           25.     In answer to paragraph 25 to Plaintiff's Complaint, Defendant Alaska USA lacks  
10 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
11 therefore denies the same.

12          26.     In answer to paragraph 26 to Plaintiff's Complaint, Defendant Alaska USA lacks  
13 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
14 therefore denies the same.

15          27.     In answer to paragraph 27 to Plaintiff's Complaint, Defendant Alaska USA restates  
16 its answers to all preceding paragraphs and incorporates them by reference as though fully set forth  
17 herein.

18          28.     In answer to paragraph 28 to Plaintiff's Complaint, Defendant Alaska USA asserts  
19 that the allegations set forth are legal conclusions, and therefore, no response is required. To the extent  
20 Defendant must respond, it denies each and every allegation contained therein.

1           29. In answer to paragraph 29 to Plaintiff's Complaint, Defendant Alaska USA asserts  
2 that the allegations set forth are legal conclusions, and therefore, no response is required. To the extent  
3 Defendant must respond, it denies each and every allegation contained therein.

4           30. In answer to paragraph 30 to Plaintiff's Complaint, Defendant Alaska USA lacks  
5 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
6 therefore, denies the same.

7           31. In answer to paragraph 31 to Plaintiff's Complaint, Defendant Alaska USA lacks  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
9 therefore, denies the same.

10          32. In answer to paragraph 32 to Plaintiff's Complaint, Defendant Alaska USA lacks  
11 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and  
12 therefore, denies the same.

13          33. In answer to paragraph 33 to Plaintiff's Complaint, Defendant Alaska USA restates  
14 its answers to all preceding paragraphs and incorporates them by reference as though fully set forth  
15 herein.

16          34. In answer to paragraph 34 to Plaintiff's Complaint, Defendant Alaska USA admits  
17 that the sentence, "[y]ou agree that the credit union can take possession of the collateral without  
18 judicial process and without giving you advance notice provided it can do so without a breach of the  
19 peace," appears in the written contract between Defendant Alaska USA and Plaintiff. Except as  
20 specifically admitted, each and every allegation in paragraph 34 is denied.

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DEFENDANT ALASKA USA FEDERAL CREDIT  
UNION'S ANSWER AND AFFIRMATIVE  
DEFENSES [2:16-CV-0432 RSL] - 6

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1           41.     The alleged injuries to Plaintiff were not caused by any acts or omissions by  
2 Defendant Alaska USA.

3           42.     The alleged injuries to Plaintiff were caused by the acts of other Defendants and/or  
4 third parties, other than Defendant Alaska USA.

5           43.     Plaintiff's claims against Defendant Alaska USA are barred by the equitable doctrines  
6 of estoppel, laches, waiver, and unclean hands.

7           44.     Plaintiff's causes of action, if any, are not actionable against Defendant Alaska USA  
8 because the circumstances pleaded by Plaintiff are the result of unforeseen and unforeseeable acts of  
9 third parties over whom Defendant Alaska USA has or had no control.

10          45.     Any set of circumstances creating a claim or cause of action, as alleged by Plaintiff or  
11 otherwise, was effectively or legally caused or created by Plaintiff's own acts or omissions.

12          46.     Plaintiff has failed to mitigate his damages.

13          47.     Defendant Alaska USA adopts and incorporates by reference any affirmative defenses  
14 asserted by any other Defendant in this action to the extent that the same applies to Defendant Alaska  
15 USA.

16          48.     Defendant Alaska USA reserves the right to assert additional affirmative defenses as  
17 discovery in this litigation proceeds.

18                 WHEREFORE, having fully answered Plaintiff's Complaint and having asserted affirmative  
19 defenses, Defendant Alaska USA prays for the following relief:

20           1.     Plaintiff's Complaint be dismissed and he takes nothing thereby;

21           2.     Recovery of all allowable attorneys' fees and costs under the applicable court rules,  
22 state statute including RCW 4.28.185; and

DEFENDANT ALASKA USA FEDERAL CREDIT  
UNION'S ANSWER AND AFFIRMATIVE  
DEFENSES [2:16-CV-0432 RSL] - 8

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3. Such other and further relief as the court deems just and equitable.

DATED this 30<sup>th</sup> day of May, 2017.

ANDREWS ▪ SKINNER, P.S.

By s/ Karleen J. Scharer

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Union

**CERTIFICATE OF SERVICE**

I hereby certify that on May 30, 2017 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

ANDREWS ▪ SKINNER, P.S.

By s/ Karleen J. Scharer

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DEFENDANT ALASKA USA FEDERAL CREDIT  
UNION'S ANSWER AND AFFIRMATIVE  
DEFENSES [2:16-CV-0432 RSL] - 10

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